IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1980

No. 80-6460

LYLE H. PRENZLER,

Plaintiff-Appellant,

vs.

ROBERT ALLEN,

Defendant-Appellee.

MOTION FOR LEAVE TO PROCEED FORMA PAUPERIS

Lyle H. Prenzler, hereby motions to proceed in Forma Pauperis and supports said motion under 28 U.S.C. 1915 (a,b,c,d,e) By attached affidavit.

April 3, 1981

LYLE H. PRENZLER

715 E Chapman Ave
Orange CA 92666
714 639 1701

80-6460

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1980

RECEIVED
APR 6 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

LYLE H. PRINZLER,

Plaintiff/Appellant,

vs.

ROBERT ALLEN

Defendant/Appellee.

JURISDICTIONAL STATEMENT

QUESTIONS PRESENTED

1. Was this appeal docketed as by reference of letter this Appeals Court dated March 17, 1980? App. 1
2. Were the fees paid for this docketing, as it has been in multiple other filing fees of said 9th Appeals Court? App2. App. 3. copy of said appeal opening brief.
3. Was the Order granting petition to proceed forma pauperis of October 25, 1979 consistent with denial of March 9 1981? App. 4,5.
4. Is the Order of Hearing of September 15, 1980 consistent with Order of June 25, 1979 dismissing for lack of personal jurisdiction is denied in said second Order? APP. 5&6 Court Docket.
5. Has Appellant been denied redress by lack notification while in Arabia and still diabled as by Soldier and Sailor Civil Defense Act; entry of prejudicial Order of lack of personal jurisdiction in a suit involving interstate fraud, use of mails to defraud, excess charges by attorney defendant that were so excessive as to have the Plaintiff audited for income tax; and for entry of censure of Defendant by Arizona Bar?

LIST ALL PARTIES

This action by Appellant against Defendant/Attorney who represented him in a real estate transaction in Phoenix, failed to appear, entered into unauthorized stipulations, and for his conduct while employed by Appellant has been censured by State Bar of Arizona. His fees were so large that the income of Appellant was audited for the year represented 1976-78. Conduct to wife of Appellant

was outrageous while she was pregnant and provoked by Defendant.

It is alleged by Appellant that this conduct was part of a conspiracy to deprive of civil rights in natureof interpleader in which this is in natureof counterclaim, for which consolidation refused to multiply vexatious suits brought at same time to defeat Appellant by making it difficult or impossible to defend all actions brought regardless of merit, Appellant denies all liability and states because of the failure to give credit in State courts, Federal Courts have awarded damages on same supposed liabilities to triple judgment awards; and redress denied as a foreign citizen in Arizona. App 7 & 8

JURISDICTION

This appeal is filed and these proceedings are instituted under 28 USC 1402(a)(1); 18 USC 1252; 28 USC 2101(c); this appeal timely filed on March 20, 1981; App. 9; Appellant believes there are criminal acts involved pursuant to 28 USC 2403; 18 USC 241,242, 1341 and 42 USC 1986, 1985, 1983; 28 USC 1359. Jurisdiction also under 15 USC 1-15, 77, 78 and 28 USC 1335, 1397 and 2361; 50USC510-590 28 USC 1655

The cases believed to sustain the jurisdiction are:

1. U.S. v. Ellis DCSC 1942 42 F.Supp.321;
2. Screws v U.S. CCA Ga 1944 140 F2d 662;
3. Bullard v City of Cisco 1937 54 S.Ct. 177;
4. State Farm v. Tashire (1967) 386 US 523;
5. Western Union v. Commonwealth Pennsylvania (1971)308US71.

INVOLVED CONSTITUTIONAL PROVISIONS AND STATUTES

ARTICLE IV SEC 1

Full faith and credit shall be given in each state to public acts, records and judicial proceedings of every other state.

AMENDMENT V

Not be deprived ow life, liberty or property without due process of law

Nor shall any person be suject for the same offense to be twice put in jeopardy of life and limb.

FIRST AMENDMENT

Congress shall make no law abridging the freedom of speech or press or of the right of people peacably to assemble or to petition the government for redresss of grievances.

STATEMENT OF CASE

This action is for malpractice of an attorney in Arizona for representation of Appellant in a real estate transaction to which appointment and contract he failed to perform professionally to standards, defrauded by telephone and mails for "attempt to make phone calls" and false billings, and this action is therefore ancillary and part of a conspiracy meant to deprive Appellant of due process and civil rights, and so injured him; and all actions herein have been originated in the State Courts of Arizona and some removed improvidentially upon the false affidavits of Defendant, amonst others, of diversity et al all part of said conspiracy; in which the acts of the Courts have aided and abetted pursuant to 18 USC 241 and 42 USC 1986 by failing to file submitted briefs, account for moneys for filing.

The Orders herein are mutually nonconforming for in September 1980 the Order was that the "order dismissing the complaint for lack of jurisdiction is denied", while Order of June 1979 was that complaint "dismissed for lack of personal jurisdiction".

The Order denying forma pauperis for appeal is nonconforming to Order allowing forma pauperis in Writ of Mandate and Appeal of October 25, 1979.

Appellant disabled while employed by Saudi Arabia and United States pursuant to 50 USC 510-590 and vacate judgment of June 1979 refused even though no due process and lack of jurisdiction for indiscretion.

STATEMENT OF REASON QUESTIONS SUBSTANTIAL

There have been violations of Federal Statutes, Laws, and Acts of Congress; U.S. Constitution in denial of Appellants rights, privileges and immunities; including denial of consolidation, notification, fairness, due process,

"When the pendency of an action in a state court makes it improper for a Federal Court which otherwise has jurisdiction; it may be technically inaccurate or even error for Federal Court to dismiss for lack of jurisdiction" Cyc Fed Proc para 2.462

By right this is in natureof an interpleader action in which the appellant is a party between the attorney purchaser from and party selling to him upon the representations of broker and their

collusive acts of joinder, non joinder andremoval to Fedeal courts pursuant to 28 USC 1359 and frauds and swindles 18 USC 1341

"Admission in prosecution for fraud, mail fraud, conspiracy and making of false statements was not error where considerable evidence attending to prove defendant s were cooperating together in scheme to defraud investors" (1965) USv Livingood CAWash 1970 427 F2d 420.

"However whether a district court has jurisdiction of a particular action is for the decision of the court itself and in the absence of fraud, its decision is unassailable except directly on appeal". CYc. Fed. Proc. Para 2.452

The aid of the United States has been sought and denied for needed expertise and assistance. The acts herein alleged will continue and are of vital interest to prevent the impairment of Appellant's Civil Rights and of those similarly situated.

Consistency with 5 ALR Fed 756, 15 USC 78(b) is sought "right stockholder to attorney fees and other expenses incurred in investigation or litigation claims for short swing profits"

CONCLUSION

For all these reasons this case should be reviewed on the merits.

April 3, 1981

LYLE H. PRENZLER PRO SE
715 E Chapman Ave
Orange CA 92660
714 639 1701

VERIFICATION

I declare under penalty perjury that I am the Appellant and believe the hereinabove to be truthful, to my knowlege, belief an contention.

April 3 1981

LYLE H. PRENZLER

LYLE H. PRENZLER
715 E Chapman Ave
Orange CA 92666
714 639 1701

RECEIVED
RICHARD H. DEANE,
CLERK U.S. COURT OF APPEALS
MAR 20 1981
FILED
DOCKETED 3/20/81
DATE
INITIAL

UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

LYLE H. PRENZLER, Plaintiff/Appellant, vs. ROBERT ALLEN, Defendant/Appellee.	NO. 80-5759 D.C.#CV 79-1384 ALS CEN CALIFORNIA NOTICE OF APPEAL

Lyle H. Prenzler hereby appeals the Order of March 9 1981 and to the Supreme Court of the United States; for denial of rights as 42 USC 1980, 18 USC 421 among others; in that this appeal was paid for in October 1979, never filed; or otherwise noted and this appeal has resulted from the failure to file the first appeal. This case is related to other pendent in this and state courts which are multiply vexatious and in same causes for which consolidation refused.

Dated: March 17, 1981

LYLE H. PRENZLER IN PRO SE

COPIES MAILED TO PETER ROBTIN BOX 1730, LONG BEACH CA

(C)

LYLE H. PRENZLER
NORTHROP PEACEHAWK
BOX 113
APO 09616 New York

RECEIVED
AND RETURNED
MAY 8 1979
CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT CALIFORNIA

79 0078 RMT (Sx)
79 0770 MRP (Sx)
79 1384 ALS Kx
79 1385 RS x
LEW

LYLE H. PRENZLER

Plaintiff,

vs.

R. KEITH PIKE, JOSEPHINE PIKE KARL MENATH MARGUERITE MENATH FRED KAMRATH, VERA KAMRATH, DBA YUMA REALTY CO., LYLE WHITMER, STEWART TITLE CO., CLARENCE SPENCER, ALLEN BICKART, ROBERT ALLEN, STATE BAR OF ARIZONA, TIMOTHY TWEETON, MARK RAYNES HOMER REED

CHANGE OF ADDRESS

PLAINTIFF'S RECORD ADDRESS IS NORTHROP PEACEHAWK, BOX 113, APO 09616, NEW YORK.

DATED: APRIL 25, 1979

LYLE H. PRENZLER IN PRO PER

LYLE H. PRENZLER
715 East Chapman Avenue
Orange, California 92666
714 639 1701

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

LYLE H. PRENZLER,

Plaintiff, Appellant,

vs.

ROBERT ALLEN,

Defendant, Respondent.

NO. 80-5759

PETITION TO PROCEED IN FORMA PAUPERIS

RELATED APPEAL PENDING
Affidavit in support

Lyle H. Prenzler, hereby petitions to proceed forma pauperis and supports with affidavit in support.

A F F I D A V I T

COUNTY ORANGE
STATE CALIFORNIA SS

Lyle H. Prenzler, deposes and say he is appellant and this appeal is the result of denial of consolidation of multiple actions and claims pursuant to interpleader FRCP Rule 22(1,2); and stay; and I have been pauperized thereby by attention diverted by multiple causes regardless of merit; and I was not notified of the hearings in the above action; that as a result I am unable to provide necessities to my family; my cause is meritorious and deserves redress and I am unable to pay fees and provide surety in a l actions. Dated: October 17, 1980

LYLE H. PRENZLER PRO SE

MY COMMISSION EXPIRES

NOTARY PUBLIC

OFFICIAL SEAL
DOLORES GIRDLESTONE
NOTARY PUBLIC — CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Expires April 5, 1984

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 9 1981

RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

LYLE H. PRENZLER,

Plaintiff/Appellant,

vs.

ROBERT ALLEN,

Defendant/Appellee.

No.80-5759

D.C.#CV79-1384 ALS
CENTRAL CALIFORNIA

ORDER

Before: WALLACE and FLETCHER, Circuit Judges

Upon due consideration, appellant's petition to proceed in forma pauperis is denied. If appellant fails to pay in the district court the docket fee for this appeal within twenty-eight (28) days of the date of entry of this order, the Clerk shall dismiss this appeal pursuant to Local Rule 19(b). No petitions for reconsideration of this order will be considered by the court.

RECEIVED
AND RETURNED
AUG 29 1980
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

LYLE H. GRENZLER
715 East Chapman Avenue
Orange California 92666
714 639 1701

RECEIVED
AUG 29 1980
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT CENTRAL DISTRICT CALIFORNIA

LYLE H. GRENZLER,

Plaintiff,

vs.

ROBERT ALLEN, ET AL.,

Defendants.

No. 79-1384-ALS-K(x)

NOTICE OF APPEAL

LYLE H. GRENZLER, APPEALS the ORDER OF 21 August 1980 to the Court of Appeals for the Ninth Circuit for denial in nature of injunctive relief.

Dated: August 29, 1980

LYLE H. GRENZLER M.D.

PETER R. BOUTIN
KEESAL, YOUNG & LOGAN
A Professional Corporation
Pier F - Berth 203
P. O. Box 1730
Long Beach, California 90801
Telephone: (213) 435-9101

Attorneys for Defendant

Call to Boutin re objection 9-20 80
Call to Stephens 9-23 80
Robi to Order

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

LYLE H. PRENZLER, Plaintiff, v. ROBERT ALLEN, Defendant.	NO. C-79-1384 ALS (Kx) ORDER

Plaintiff LYLE H. PRENZLER'S Petition for Reconsideration of the Order Denying Motion for Relief from this court's June 25, 1979, order dismissing the complaint for lack of personal jurisdiction came on regularly for hearing on September 15, 1980, before the Honorable ALBERT LEE STEPHENS, JR., Senior United States District Court Judge. LYLE H. PRENZLER, in pro per, appeared as attorney for plaintiff, and PETER R. BOUTIN of KEESAL, YOUNG & LOGAN, appeared as attorney for defendant.

Having reviewed all pleadings, papers, and documents filed by the parties in this action and having heard oral argument of counsel, the court rules as follows:

Plaintiff's Petition for Reconsideration of the order denying Motion for Relief from this court's June 25, 1979, order dismissing the complaint for lack of personal jurisdiction is denied.

IT IS SO ORDERED.

DATED: _____, 1980

ALBERT LEE STEPHENS, JR.
Senior U.S. District Court Judge

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

- - -

HONORABLE ALBERT LEE STEPHENS, JR., SENIOR JUDGE PRESIDING

- - -

LYLE H. PRENZLER,
Plaintiff,

vs.

ROBERT ALLEN,
Defendant.

COPY

Civil No. 79-1384-ALS

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PLACE: Los Angeles, California

DATE: Monday, June 18, 1979

ESTHER L. TARTAGLIA,
Official Reporter
436 U.S. Court House
312 North Spring Street
Los Angeles, California 90012
(213) 626-2008

80-6460

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

- - -

HONORABLE ALBERT LEE STEPHENS, JR., SENIOR JUDGE PRESIDING

- - -

LYLE H. PRENZLER,

Plaintiff,

vs.

ROBERT ALLEN,

Defendant.

COPY

Civil No. 79-1384-ALS

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PLACE: Los Angeles, California

DATE: Monday, June 18, 1979

ESTHER L. TARTAGLIA,
Official Reporter
436 U.S. Court House
312 North Spring Street
Los Angeles, California 90012
(213) 626-2008

LOS ANGELES, CALIFORNIA, MONDAY, JUNE 18, 1979; 9:30 A.M.

---o0o---

THE CLERK: CV 79-1384-ALS. Lyle H. Prenzler vs. Robert Allen.

MR. BOUTIN: Peter Boutin for the defendant and moving party, your Honor.

THE COURT: All right, sir.

MR. BOUTIN: Your Honor, I have not received any opposition to this motion. As you know it is a motion to dismiss for lack of personal jurisdiction or in the alternative to quash service on some of the complaint, or if the Court is not inclined to grant those motions, to transfer the matter to Arizona.

I, frankly, do not have anything substantial to add to my moving papers. As we pointed out in our moving papers, this is a legal malpractice action relating to cases that were handled in the State of Arizona by an Arizona attorney, relating to Arizona Land. It was essentially no contact with the State of California with the exception of one meeting to pick up a file. So we would ask the Court to dismiss this action.

THE COURT: The motion is granted.

MR. BOUTIN: Would you like me to prepare an order on that, your Honor?

THE COURT: Would you, please.

MR. BOUTIN: Yes, your Honor. And that is granted as to the motion to dismiss?

THE COURT: To dismiss.

MR. BOUTIN: Thank you very much, your Honor.

(Other Court matters.)

LYLE H. PRENZLER
715 East Chapman Avenue
Orange California 92666
714 639 1701

UNITED STATES DISTRICT COURT FOR CENTRAL CALIFORNIA

LYLE H. PRENZLER,
Plaintiff,
vs.
ROBERT ALLEN,
Defendant.

NO. CV-79-1384-ALS-K(X)

NOTICE OF REQUEST AND COMPLETION OF COURT REPORTER'S TRANSCRIPT ON APPEAL Rule 10(b) FRAP

Lyle H. Prenzler, notices the Court that a Court Reporter's Transcript has been ordered in the above cause and will be completed within the week for appeal; by Court Reporter Esther Tantablia, Court Reporter.

Dated: September 8, 1980

LYLE H. PRENZLER, PRO SE

COPY TO: ESTHER TANTABLIA
P.O. Box 1730
Long Beach CA 90801

	NR.	PROCEEDINGS
7/16/79	pg	1. Fld complt. Issd summs. Case maybe ref to Mag Kronenberg.
5/10/79	rlb	2. Fld summs rtnd srvd 4/25/79.
5/17/79	rlb	3. Fld deft's ex parte app for enlargement of ti to rsp to cmplt. 4. Fld ORD (AAH for ALS) Granting ex parte app & ext ti to 5/29/79 to ans cmplt.
5/29/79	rlb	5. Fld deft's ntc of mots & Mots, rtnble 6/18/79, 9:30am, to dsm or In alt to quash & to transf ; memo of P/AS.; affd Allen
6/27/79	rlb	6. Fld ORD Granting deft's Mot to dsmg cmplt. (Ent 6/27/79 ntfd prtys) JS-6
*6/18/79	rlb	7. MIN ORD: Mot to dsm GRANTED.
-30-79	lw	8. Fld NOTC OF APPEAL to 9th Cir Court of Appeals frm Ord ent 6-27-79. 9. Fld Design of Reporter's Transc.
/6/79	fb	Issd & fwd to 9th Circuit Court of Appeals orig. Clerk's file.
8/1/80	rz	10. Fld pltf notc of mot to reliev fm final ord & to set aside dflt set fr 8/18/80 9:30AM
8/13/80	rz	11. Fld deft memo of P/A in opp to mot to set aside dism & declaratn
8/21/80	rz	12. Fld deft proposd ord

SAK SY RHL MMG PJB STP TR JG BK
OCT 29 1979
RECEIVED

FILED
OCT 25 1979
RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LYLE H. PRENZLER,

Petitioner,

vs.

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA,

Respondent,

and

ROBERT ALLEN,

Real Party in Interest.

No. 79-7404

D.C. #79-1384 ALS
Central California

ORDER

Before: HUFSTEDLER and WRIGHT, Circuit Judges.

Upon due consideration, the filing fee for the petition for writ of mandamus is waived and the petition is hereby denied. Petitioner has an adequate remedy by way of appeal.

Mo Cal 10/22/79

LYLE H. PRENZLER
715 East Chapman Avenue
Orange, California 92666
714 639 1701
Plaintiff Pro Se

UNITED STATES DISTRICT COURT CENTRAL DISTRICT CALIFORNIA

LYLE H. PRENZLER,

Plaintiff,

vs.

ROBERT ALLEN,

Defendant.

NO. CV79-1384-ALS(KX)

MOTION TO SET ASIDE DEFAULT AND TO RELIEVE FROM FINAL ORDER
FRCP Rule 60(b)(1,2,3,4,6)
AMENDED ANSWER TO SHOW CAUSE
AFFIDAVIT IN SUPPORT BY LYLE H. PRENZLER

(Appeal Pending)

Lyle H. Prenzler will move the Court to relieve him from final Order in the above cause of June 18, 1979; dismissing the action; and to grant leave to defendant to file an amended answer, a copy of which is attached; on the ground that the Order is void and there has been a fraud upon the court, that there is new evidence, and that there has been an abuse of discretion and failure of the Court to hear application for Writ of Mandate and Certiorari and no response to Appeal timely made to the above referred to Order, be...

LYLE H. PRENZLER

THE AMENDED ANSWER SETTING FORTH RELIEF SOUGHT

No application to dismiss was made by defendant prior to Order of June 18, 1979 according to Court Docket Sheet. The plaintiff received no notification of any papers submitted by defendant even though the Court and defendant had been notified of change of address by plaintiff on April 17, 1979. The applicant was in

military service and under Federal employment during the time period from April 17, 1979 to October 21, 1979 and Order in the above cause are moved to be set aside pursuant to Section 200 of the Soldiers' and Sailors' Relief Act of 1949 as amended (50 U.S.C. App paragraph 520).

The dismissal without notification or Motion to Dismiss filed by defendant are or could be an abuse of discretion and the refusal to hear the application for mandamus is a denial by the Court, and against plaintiff, to hear and determine the case on its merits, such dismissal is a decision against plaintiff and therefore a dete mination by the trial judge that he had jurisdiction and then divested himself and claiming lack of jurisdiction.

Although notification has been received that the Notic of Appeal was timely received by the Court of Appeals for the Ninth Circuit, no transcript of record or other hearing has been had on the matter, even tho gh notice th t the case was being docketed was sent on March 17, 1980. Stay of enforcement is applied for in lieu of motion to set aside; and plaintiff has been without representation or appe rances in the above action.

"EXHIBIT "A"

AFFIDAVIT OF LYLE H. PRENZLER

STATE OF CALIFORNIA)
} SS.
COUNTY OF ORANGE)

I, Lyle H. Prenzler, being prior sworn, depose and say that I was without notification or appearances in the above action and th t the defendant and this Court was notified of my change of address, and that during the eriod April 17, 1979 to Octobe 21, 1979, I

was a Lieutenant Colonel in the California Military Reserve and employed under the Federal Base Defense Act, and the jurisdiction of this Court has been recognized by the Court of Appeals in Order of October 25, 1979. I received the only notification of the proceedings in this Court by a Notice of Entry dated June 27, 1979 from the Court Clerk, which reached me about July 12, 1979 at which time I mailed a Petition for Writ in Nature of Mandate to the Court, with no prior notification, I did not mail a copy to the defendant as I was not aware that defendant had answered. Further affiant sayeth not.

Dated: July 29, 1980

LT. R.H. PRENZEL

MY COMMISSION EXPIRES
Nov. 12, 1983

NOTARY PUBLIC

COPIES MAILED TO

PETER R. BOUTIN
KESSAL, YOUNG AND LOGAN
PO BOX 1730
PIER F BERTH 203
LONG BEACH CALIFORNIA 90801

OFFICIAL SEAL
CONWAY J. BEAVER
NOTARY PUBLIC — CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Expires November 12, 1983

March 17, 1980

Dear M. Preisler,

I am writing in response to your recent correspondence received in this office on [illegible].

Your appeal in case [illegible] from the Central District of Cal. [illegible] is not to be heard dismissed. You should be receiving the Clerk's Certificate shortly. We have no record of receiving a [illegible], you will be notified when the [illegible] is due.

[illegible] the notice of [illegible] the district court [illegible] has informed me that you do not have a [illegible] that is appropriate for filing a case [illegible] this information is incorrect, you should [illegible] the district court clerk.

I hope this [illegible] to your inquiries.

Sincerely yours,

[illegible]
Clerk of Court

Suzanne [illegible]
[illegible]

by: Valerie T. Sneider
Deputy Clerk

COURT OF APPEALS NINTH CIRCUIT
7TH & MISSION STS.
SAN FRANCISCO CA 94101

RE: FILING OF APPEAL IN CASE 79-7405
79-1388 LFW, CENTRAL CALIFORNIA

I have noticed the District Court and this Court of appeal timely, and have filed Appellant's Opening Brief in the above matters on or about November 1, 1979. May I have a docket sheet and your confirmation that this appeal has been filed.

If not please inform me of my alternatives; writ of mandate or refiling.

Signed:

Dated: February 20, 1980

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LYLE H. FRENZER, Plaintiff-Appellant, vs. ROBERT ALLEN, Defendant-Appellee.	Case No. 79-1384 ALS (KX) CIVIL CENTRAL DISTRICT CALIFORNIA

APPELLANT'S OPENING BRIEF

STATEMENT OF THE ISSUES

This action was begun by filing of Complaint for Damages as an original action, alleging and statingwith verification that the Defendant committed malpractice, tortious acts and federal questions in deprivation of due process, equal rights to civil rights, open hearing, as in 15 U.S.C, 1, 15, 77 and jurisdiction and venue under Title 28 U.S.C. 1331, 1332, 1655, and notification has been denied Plaintiff as in Title 28 U.S.C. 1655, and Rule 60 (b) Federal Rules of Civil Procedure, and no notification has been made on Plaintiff except a form Civ 26(10/78) of United States District Court, Central District California--NOTICE OF ENTRY--informing Plaintiff that Order was entered on docket on June 27, 1979 and that documents would be destroyed after the expiration of thirt days of the receipt of this notice. Proceeding from appropriate Federal Rules of Civil Procedure, regarding ancillary proceedings

have been made on lack of personal jurisdiction of the class of defendants, although ruling res judicata that subject matter jurisdiction was with above Trial Court, Case 79-0074. A Notice of Appeal was mailed on July 10, 1979 from Arabia to the Court, including a Petition for a Writ in the Nature of Mandate to compel the Court to exercise jurisdiction; properly; which Petition was denied on October 25, 1979 by the Honorable Hufstedler and Wright, Circuit Judges, on recommendation that Petitioner, Appellant herein, "has adequate remedy by way of appeal." A Notice of Appeal of the Orders herein, was made on October 29, 1979.

STATEMENT OF THE CASE

This action considers allegations that Defendants, herein, did injure the Plaintiff maliciously; and no notication was made in regard to any Hearing for Dismissal, and as in L.P. Steuart Inc. v. Matthews (CA DC 1964) 329 F2d 234; this case should be reinstated because there is excusable neglect in Plaintiff's failure to prosecute; having been in Arabia on Government contract and having informed the Court of his absence, his return, and date of lack of forwarding address; April 20, July 20, September 20, 1979, respectively. Further, res judicata, in pending actions, cases have been on the docket since 1974 and 1970 and in denial of Rule 21, Federal Rules of Civil Procedure, parties and actions have been not joined; or separated and proceeded with separately have been made; further rulings that pendent actions are not determinative of the within action have been made. The action further notes that Plaintiff continues to be damaged by the within action, and in view of prior denial of ancillary proceddings as above referred to and even though a ruling of transfer under

Order in Case 79-0074 of March 20, 1979; dismissal of the ancillary proceedings has been denied in the same Trial Court and is not in conformity with the Order and Judgment in the within action. Further as Title 28 U.S.C. 1391(b); "A civil action may be brought only in the judicial district where the claim arose"; Mr. Allen having come to California to make the contract herein referred to, and where the tortious acts of outrageous conduct were intended to be done and were done and where certain minimal business contacts were made. "In tort cases sue where the wrong takes place; Buck v. Luns Pecklatchy 105 CA 248; "where obligation or liability arises or breach occurs," Union Oil V Basalt Rock 30 CA2d 317; and where the damage and liability occurred in the same above Judicial District. Transfer would have been a more conforming alternative as is 28 U.S.C. 1404(a), to prior judgment and order in Case 79-0074 same Court. It is further conceded that the venue statutes subject to the equal protection clause of United States Constitution XIV Amendment, does not state that the Federal Courts are not liable to the same requirements of Constitutional Law; nor does the VI Amendment in particular state that discrimination against non-citizens and non-residents should indicate that citizens and residents should be discriminated against as the Appellant concludes reasonably has been herewith done. Further non conformity of judgments of the within actions have ruled that pending actions have a determinative effect in the judgment of March 20, 1979 in the same Court while other proceedings and judgments have been proceeded with over the objections of the Appellant; and in the interest of justice and by these non conforming decisions and

denials of jurisdiction in the within Case, this suit has been filed of necessity and as there is no other alternative, as the Courts in Arizona and actions of the Bar in Arizona have continued to prevent substantive representation and appearances to Plaintiff and have resulted in further unauthorized stipulations as in the Complaint. If the plaintiff in this cause of action has any claim, cause of action or rightagainst the defendant, the same should be asserted in this action as it has been denied in the pendent actions. This has always been the theory of the law to minimize lawsuits and fractured actions by bringing every grievance, claim, claim or cause in one court where possible. The problems with jurisdiction of the persona result from an appealable and appealed Order quashing summons of defendants in the same actions for lack of service of process, which lack of service was unsubstantiated and in a State Court where it is contended the XIV Amendment rights of plaintiff have been denied as in United States Constitution. and even thoughdue process denied it is well apparent the Defendants were notified; 84 S.Ct. 415. As in 28 U.S.C. 1291, all final decisions of the district court, as a within dismissal, shall have the jurisdicition of courts of appeals. The fracturing resulting from the above judgment and order to quash summons in substance, continues to defeat and impair and it is contended will continue to impair any right the plaintiff has o h fair trial and open hearing--and as in Butz v. Economou, 98S.Ct. (1978) 2894; "whatever level of protection from state interference is appropriate for federal officials executing their duties under federal law, such officials, even when acting pursuant to congressional authorization are subject to restraints imposed by federal Constitution."

CONCLUSION

Relief is sought to have the case reinstated, and not dismissed as a remedy to avoid further fracturing of the within action and to minimize lawsuits and multiple jeopardy. The damage is continuing from the injuries and damages of defendantand to have a prompt and open hearing, rather than filing further lawsuits, is the request of the appellant. Further, injunction is sought to have other actions pending stayed pursuant to Federal Rules of Civil Procedure Rule 65 and Rule 20(b). Order is sought to have the Trial Court assume jurisdiction which it and this court, rightfully have and have had. It is prayed that injunction be permanent and that full and open merits of case be heard and adjudged.

Dated: October 30, 1979

LYLE C. PRENZLER, APPELLANT PRO PER
715 EAST CHAPMAN AVENUE
ORANGE, CALIFORNIA (92666)
714 639 1701

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK

U.S. Courthouse, Rm. C-3
Los Angeles, California 90012

Edward M. Kolleman
Clerk

Leonard A. Brennan
Chief Deputy

Lyle H. Prenzler
Northrop Peacehawk
Box 113 APO 09616
New York

Re: DC# CV 79-1384-ALS
Lyle H. Prenzler v. Robert Allen

Dear Sir:

The Notice of Appeal in this case was filed on 7/30/79
Pursuant to Rule 10 (a) and 10(b) of the FRAP the complete Clerk's Transcript together with the Reporter's Transcript constitute the record on appeal. Rule 4 of the Rules of the U.S. Court of Appeal for the Ninth Circuit, amended on March 1, 1979, sets forth the specific requirements for the contents of the record on appeal. You may obtain a copy of the new Rules by mailing $2.00 to Clerk's Office, U. S. Court of Appeals, P.O. Box 547, San Francisco, Calif. 94101, Attn: Ms. Betty Murphy.

CIVIL

Pursuant to Rule 10(a) of the FRAP and Rule 4 of the Rules of the U.S. Court of Appeals for the Ninth Circuit, the complete Clerk's Transcript together with the Reporter's Transcript shall constitute the Civil record on appeal. Pursuant to Rule 10(b) of the FRAP the designation of the Reporter's Transcript shall be filed within 10 days after the filing of the Notice of Appeal.

CRIMINAL

Pursuant to Rule 4 of the Rules of the U. S. Court of Appeals for the Ninth Circuit you are required to mail a designation of the Reporter's Transcripts to the appellee within 7 days from the date the Notice of Appeal is filed.

It is suggested that you obtain a copy of the case docket sheet to assist you in preparing your designation.

If you are not proceeding at government expense you must immediately make satisfactory arrangements with the court reporter by depositing with him of the dollar amount of the estimate of the cost of the transcript or such portions thereof as may be designated.

IT IS YOUR RESPONSIBILITY to contact the court reporter immediately and to arrange to pay the estimate for the transcript to be prepared and filed or to arrange for the payment at government expense of the transcript.

Complying with the rules governing the appeal is your responsibility as the attorney for the appellant. Any delinquencies are subject to disciplinary action, both by the Appellate Court and the District Court, which could include the dismissal of your appeal.

Records on appeal in bankruptcy, civil and criminal cases not taken in forma pauperis will be sent to a local printing company for reproduction. The procedures shall be as set forth on the reverse of this letter.

DATE: 8/10/79

CLERK, U.S. DISTRICT COURT
By F. BLAIR

FORM A-9 (1/79) INFORMATIONAL LETTER TO APPELLANT

Attachment No. 1

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NOTICE OF PARTIES AND COUNSEL REPRESENTED IN THIS COURT ACTION

SHORT CAPTION OF THIS CASE: LYLE H. PRENZLER v. UNITED STATES DISTRICT COURT AND ROBERT ALLEN

U.S COURT OF APPEALS DOCKET NUMBER: 79-7404

CASE ORIGIN (TRIAL COURT/AGENCY) : District Court, Central District of California

TRIAL COURT/AGENCY DOCKET NUMBER : 79-1384 ALS

Name of Active Party & Position (Abbr.)	Name of Active Party & Position (Abbr.)	Name of Active Party & Position (Abbr.)
LYLE H. PRENZLER, Petitioner	ROBERT ALLEN Real Party in Interest	
COUNSEL (Name, Address, Zip Code)	LEAD COUNSEL (Name, Address, Zip Code)	LEAD COUNSEL (Name, Address, Zip Code)
LYLE H. PRENZLER 715 E. Chapman Ave. Orange, CA 92666	KEESAL, YOUNG & LOGAN PETER R. BOUTIN Pier F - Berth 203 P. O. Box 1730 Long Beach, CA 90801	
Name of Active Party & Position (Abbr.)	Name of Active Party & Position (Abbr.)	Name of Active Party & Position (Abbr.)
COUNSEL (Name, Address, Zip Code)	LEAD COUNSEL (Name, Address, Zip Code)	LEAD COUNSEL (Name, Address, Zip Code)
Name of Active Party & Position (Abbr.)	Name of Active Party & Position (Abbr.)	Name of Active Party & Position (Abbr.)
COUNSEL (Name, Address, Zip Code)	LEAD COUNSEL (Name, Address, Zip Code)	LEAD COUNSEL (Name, Address, Zip Code)

DATE: September 20, 1979

SIGNATURE: Peter R. Boutin
(Party submitting this notice)
PETER R. BOUTIN

LYLE H. PRENZLER
NORTHROP PEACEHAWK
BOX 113 APO 96616
NEW YORK

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

LYLE H. PRENZLER,

Plaintiff,

v.

ROBERT ALLEN

Defendant.

CV 79-1784 ALS(RX)

NOTICE OF APPEAL

PETITION TO PROCEED IN FORMA PAUPERIS

Lyle H. Prenzler, plaintiff herein, hereby appeals the Order, of which he does not have a copy, of June 27, 1979, and pursuant to Notice of Entry which I received today, July 10, 1979. I request a copy of the hereinabove Order and a Civil Docket Sheet.

Dated July 10, 1979

LYLE H. PRENZLER PLAINTIFF
PRO PER

PETITION TO PROCEED IN FORMA PAUPERIS

Lyle H. Prenzler, hereby petitions to proceed in Forma Pauperis, pursuant to 28 U.S.C. 1915 (a-e), and requests appointment of counsel section (d) of same.

Affidavit in Support

Lyle H. Prenzler states that he is a pauper and unable to pay for the proceedings or sureties in above action, and provide the necessities of his family, as a direct result of the within action. Dated: July 10, 1979

LYLE H. PRENZLER

LYLE H. PRENZLER
NORTHROP PEACEHAWK
BOX 113 APO 09616
NEW YORK
TELEPHONE [illegible]

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

LYLE H. PRENZLER	)	
Plaintiff,	)	
v.	)	Cv. 79-1380-SW (EX)
ROBERT ALLEN,	)	APPELLANTS DESIGNATION OF REPORTERS
Defendant.	)	TRANSCRIPT

The following constitutes the transcripts which have been designated by Appellant and are to be included in the record of appeal: The reporter's transcript of the following motion proceedings:

1. Order of June 27, 1979 and other orders.

I request the reporter's submit of copies of the trial or other hearing, at the expense of the United States upon receipt and delivery of an appropriate order authorizing preparation of trial and other hearing transcripts. I agree to reimburse payment for all work done prior to cancellation of this order.

Name Address Telephone No. of Reporter(s)

Reporter(s) acknowledges receipt on with an estimated date of delivery of .

Dated: July 10, 1979

LYLE H. PRENZLER PRO PER

U.S. MARSHALS SERVICE
PROCESS RECEIPT and RETURN

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE U.S. MARSHAL" on the reverse of the last (No. 5) copy of this form. Please print legibly, insuring readability of all copies. Do not staple copies.

PLAINTIFF: Lyle N Pfenzler — COURT CASE NUMBER: 79 1384

DEFENDANT: Robert Allen — TYPE OF PROCESS: Complaint Summons

SERVE AT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN: Robert Allen

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code): First National Bank Bldg 2020, Phoenix Arizona 85003

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Lyle N Pfenzler
715 East Chapman Ave
Orange California 92666

Number of process to be served with this Form-285	1
Number of parties to be served in this case	1
Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

RECEIVED

Signature of Attorney or other Originator requesting service on behalf of: ☒ PLAINTIFF ☐ DEFENDANT — TELEPHONE NUMBER: 714 [illegible] — DATE: 4/6/79

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No 12	District to Serve No 8	Signature of Authorized USMS Deputy or Clerk	Date
	1				4/13

I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode

Address (complete only if different than shown above)

Date of Service: 4/13/79 — Time: 4:15 ☒ pm ☐ am

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund (Check enclosed)
30	[illegible]	1	40			

REMARKS:

NOTE

PRIOR EDITIONS MAY BE USED

3. NOTICE OF SERVICE

FORM USM-285 (Rev. 11/11/77)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Lyle H. Prenzler, PLAINTIFF(S) vs Robert Allen DEFENDANT(S)	CASE NUMBER CV79-1384-ALS(KX)
	NOTICE OF ENTRY

TO THE ABOVE NAMED PARTIES AND TO THEIR ATTORNEY(S) OF RECORD:

You are hereby notified that ORDER

in the above entitled case was entered in the docket on JUN 27 1979.

You are also notified that if this case was tried and you introduced exhibits into evidence, they must be claimed at this office after the expiration of thirty days from the receipt of this notice. (After sixty days in cases in which the United States, its officers or agencies were parties) Unless they are claimed within thirty days after the expiration of the above period, they will be destroyed pursuant to Local Rule 20(a). If an appeal is taken they will, of course, be held until the Appellate Court finally determines the matter. Exhibits which are attached to a pleading will not be destroyed but will remain as a permanent record in the case file.

(over)

CERTIFICATE OF MAILING

I, Edward M. Kritzman, Clerk, United States District Court, Central District of California, and not a party to the within action, hereby certify that on JUN 27 1979, I served a true copy of this notice of entry on the parties in the within action by depositing true copies thereof, enclosed in sealed envelopes, in the United States Mail in the United States Post Office mail box at Los Angeles, California, addressed as follows:

Peter R. Boutin,
P. O. Box 1730
Long Beach, Ca. 90801

Lyle H. Prenzler
715 E. Chapman Ave.
Orange, Ca. 92666

EDWARD M. KRITZMAN, CLERK

By _____ Deputy Clerk

NOTICE

IN ACTIONS ARISING UNDER THE ECONOMIC STABILIZATION ACT, THE EMERGENCY PETROLEUM ALLOCATION ACT, AND THE ENERGY POLICY AND CONSERVATION ACT, NOTICES OF APPEAL TAKEN FROM THIS JUDGMENT MUST BE FILED IN THE TEMPORARY EMERGENCY COURT OF APPEALS IN ACCORDANCE WITH THE RULES OF PROCEDURE OF THAT COURT.

Civ 26 '78)

PETER R. BOUTIN
KEESAL, YOUNG & LOGAN
A Professional Corporation
P.O. Box 1730
Pier F - Berth 203
Long Beach, California 90801
Telephone: (213) 435-9101

Attorneys for Defendant

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

LYLE H. PRENZLER, Plaintiff, v. ROBERT ALLEN, Defendant.	NO. 79 1384 ALS (kx) O R D E R

On the Motion of Defendant Robert Allen for an Order extending the time in which said party may serve and file a response to the Complaint herein, and good cause for the extension having been shown; therefore,

IT IS ORDERED that the Motion be granted and that the time within which Defendant Robert Allen may serve and file a response to the Complaint is hereby extended to and including May 29, 1979.

DATED: _____

_____
U.S. DISTRICT COURT JUDGE

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Lyle H. Prenzler, Plaintiff, v. Robert Allen, Defendant	CASE NO. 79 1384 ALS (kx)
	PROOF OF SERVICE

I, the undersigned, certify and declare that I am a citizen of the United States, over the age of 18 years, employed in the County of Los Angeles, State of California, and not a party to the above-entitled cause. On May 10, 1979, I served a true copy of:

ORDER

[ ] by personally delivering it to the person(s) indicated below in the manner as provided in FRCP, §5(b);

[XX] by depositing it in the United States Mail in a sealed envelope with the postage thereon prepaid to the following:

Lyle H. Prenzler
715 East Chapman Avenue
Orange, CA 92666

Place of Mailing: Long Beach, California
Executed on May 10, 1979, at Long Beach, California.

[ ] I HEREBY CERTIFY that I am a member of the Bar of the United States District Court, _____ District of California.

[XX] I HEREBY CERTIFY that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

ALYCE JACKSON

LYLE H. PRENZLER
715 EAST CHAPMAN AVENUE
ORANGE, CALIFORNIA 92666
(714) 639 1701
Plaintiff In Pro Per

FILED

APR 15 11 01 AM '79
U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
BY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

LYLE H. PRENZLER,

Plaintiff,

v.

ROBERT ALLEN,

Defendant.

CIV NO. 79 1384 ALS (Kx)

COMPLAINT For Damages

Plaintiff, Lyle H. Prenzler, hereby complains that the Defendant, Robert Allen has committed malpractice and has failed to maintain professional conduct as an attorney, has failed to maintain fiduciary responsibility to the plaintiff, has failed to appear and represent the plaintiff, has failed to file cross complaints and appeals and has further inflicted emotional distress intentionally to plaintiff, maliciously, foreseeably and recklessly. That these acts commended in 1976 and the results of these acts continue to damage the plaintiff to this time. Defendant also has entered into stipulations without approval of plaintiff.

1. Mr. Allen is a citizen of Arizona, while plaintiff is a citizen of California.

2. The amount in controversy is over $10000.00, and the

minimum of this Court.

3. The misrepresentations, torts and breaches occurred in Orange County California.

4. All contracts reached to have defendant be plaintiff's attorney were in Orange, California, the County thereof. All witnesses are in Orange County California, and convenience is for trial here, in Orange County.

WHEREFORE, plaintiff prays:

1. Damages of $1,000,000 or as just and reasonable;

2. Malicious and punitive damages of an equal amount;

3. Such other damages as the Court deems just.

Dated: April 14, 1979

LYLE H. PRENZLER, PLAINTIFF IN PRO PER

VERIFICATION

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS.

LYLE H. PRENZLER, being first duly sworn upon his oath deposes and says:

I am the plaintiff in the above captioned matter and have read the foregoing Complaint and know the contents thereof; that the same is true to the best of my knowledge, information and belief.

LYLE H. PRENZLER

SUBSCRIBED AND SWORN TO BEFORE ME THIS 16 DAY OF Apr 1979

NOTARY PUBLIC

OFFICIAL SEAL
DOROTHY M. DANTA
NOTARY PUBLIC — CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Expires October 3, 1980

LYLE H. PRENZLER
NORTHROP PEACEMAKER
BOX 113 APO 09616
NEW YORK
TELEPHONE: 011-90-212-612-1200

to conform to prior decisions. This case concerns all citizens and their rights to seek fair and equable justice.

JURISDICTION

This is a civil action for relief in the nature of mandamus, declaratory judgment and injunction, prohibition against a judge or judges, certeriorari. This action arises under the First and Fifth Amendments to the Constitution of the United States, also Article 3,4 and other pertinent sections; 28 U.S.C. 1391(a,b,e), 1655, 1355,1356,1388, portions sections of 42 U.S.C. 1892 and 1895, 28 U.S.C. 1331, 1332, 1337. 1343. 2101, and 1915(d,; and requests appointment of counsel as a pauper, whose paupery is the direct result of behavior by Mr. Allen, an attorney, whose actions have been censured by the American Bar Association in the within actions; and also as a result of ruinous actions and orders by the Courts in the within action, as well as failure of the Courts to exercise jurisdiction by setting for trial and hearing in open court. Amendment to the pleadings is requested as Federal Rules of Civil Procedure rule 20 is made out by Mr. Allen. Due process has been denied the Plaintiffs in all Courts.

PARTIES

Plaintiff is a citizen of Palo Verde, expatriate as a result of the Defendants actions, who also has complained of torts and breaches of contract with a pendent jurisdiction.

In addition are the causes of breach and the breach of contract, torts et al., acts committed in California, as well as violations of 15 U.S.C. [illegible], 1, 2.

[illegible]

[illegible] on [illegible], D. 4779, and no papers or notification was ever received by the Petitioner except of the Order of June 3, 1969, petitioner is in a far forward area and

mail communications are delayed. Petitioner believes and states that his case is meritorious and that by Mr. Allen's breach of fiduciary and ethical conduct, torts, breaches, and violations of the above statutes, laws of Congress, and Constitution of the United States have been done and Petitioner is entitled to redress.

The right to an open hearing before the public is a right which has been recognized for many years in American jurisprudence, (a) to improve testimony offered; (b) presiding officer more likely to carry out responsibility; (c) to inspire confidence in tribunal; (d) beneficial effects of law more possible if proceedings purblicized; (e) courts should be subject to public scrutiny. The action by the District Court may be determinative and duplicative even though pendent actions in the same matters have been ruled not to be res judicata.

In the instant proceeding, the necessity for a public hearing is manifest, and the necessity of a court transcript for appeal; inasmuch as the issues before the tribunal involved the basic question of whether Plaintiff was deprived of civil rights, injured through secret machinations and manipulations of third parties who sought to keep important information from the public, and to draw a curtain of secrecy over this hearing would compound the evil at which the Plaintiff's complaint (Petitioner herein) has been raised. Accordingly the conduct of the Court and Mr. Allen described herein deprives Petitioner of the rights of law as guaranteed and protected by the Fifth and Civil Amendments.

Plaintiff has no adequate remedy at law, unless and until this Court grants relief in the nature of mandamus and declaratory and injunctive relief, as requested herein, irreparable injury will

continue to be done to Plaintiff and all others similarly situated. Other remedies have been exhausted, as the Plaintiff has been forced out of business and a position of competition by the within actions and allegations. Any further proceedings would be futile and deprivation of due process thereby.

WHEREFORE, plaintiff prays for the following relief:

1. A declaratory judgment that the denial of public hearing and court transcript is unconstitutional.

2. A declaratory judgment and permanent injunction to compel action by the Court to hear and determine merits properly before it, and prevent transfer contrary to acts, privileges, laws and Constitution of the United States.

3. A declaratory judgment and permanent injunction insuring due process of complaint by Plaintiff, and conformity with prior rulings to prevent irreparable injury to the Plaintiff.

4. Such other and further relief as the Court may deem just and equitable.

Dated: July 12, 1979

LYLE H. PERSHAL PETITIONER IN PRO PER

PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

LYLE H. PERSHAL petitions the Court to appear in Forma Pauperis and to have counsel appointed pursuant to U.S.C. 1915(a, b,c,d,e), and in support of petition he states:

AFFIDAVIT IN SUPPORT

LYLE H. PERSHAL, hereby deposes and says that I am a pauper and unable to support these proceedings and security required and support the defendants listed by family. I believe that my case is meritorious and relief for reversal, and that I believe that under General Order of Civil Procedure Rule 4, the Attorney General should be notified.

Dated: July 12, 1979

NO NOTARY IN THIS AREA AVAILABLE

LYLE H. PERSHAL

LAW OFFICES
ROLLE, JONES, BENTON & COLE
350 WEST 16TH STREET- SUITE 300
POST OFFICE BOX 5240
YUMA, ARIZONA 85364
(602) 783-7895

Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

R. KEITH PIKE and JOSEPHINE PIKE, husband and wife; and KARL MENATH and MARGUERITE MENATH, husband and wife, Plaintiffs, vs. CONRAD J. KLEINMAN and LUCILE L. KLEINMAN, husband and wife; et al., Defendants.	No. 36705 AFFIDAVIT IN SUPPORT OF MOTION

STATE OF ARIZONA)
) ss.
County of Yuma)

ROBERT C. CLARKE, being first duly sworn according to law, deposes and says:

1. That I am the attorney for plaintiffs in the above-entitled action, and I have firsthand knowledge of the facts contained in this Affidavit.

2. That prior to the hearing on plaintiffs' Motion for Summary Judgment, I called the attorney for defendants Kleinman, Jeffrey Bonn. During that conversation, it was orally agreed by us as follows:

a. The plaintiffs would not seek a deficiency judgment against defendants Kleinman.

b. That plaintiffs could take judgment as prayed for in the Complaint.

3. That prior to the hearing on plaintiffs' Motion for Summary Judgment, I called the attorney for defendant Prenzler, Robert Allen. During that conversation, it was orally agreed by us as follows:

a. That plaintiffs would seek no more than $4,000 in attorney fees.

b. That plaintiffs could take judgment as prayed for in their Complaint.

4. That on June 28, 1976, I mailed copies of the judgment entered on June 9, 1976, to counsel for defendants Kleinman and defendant Prenzler.

Further your affiant saith not.

Robert C. Clarke

SUBSCRIBED AND SWORN to before me this 20th day of July, 1978.

Notary Public

My Commission Expires:

Jan. 31, 1980

LAW OFFICES
ROLLE, JONES, BENTON & COLE
350 WEST 16TH STREET- SUITE 300
YUMA, ARIZONA 85364